

## REGIONAL OPERATIONS CENTER INVESTIGATING COMMITTEE

DATE: April 7, 2014

CALLED TO ORDER: 5:41 p.m.

ADJOURNED: 6:46 p.m.

### ATTENDANCE

#### Attending Members

Joseph Simpson, Chair  
Monroe Gray  
Pamela Hickman  
Benjamin Hunter  
Angela Mansfield  
Frank Mascari  
Janice McHenry  
Vop Osili  
Marilyn Pfisterer

#### Absent Members

### AGENDA

Presentation on the 2010 Proposal to House the Emergency Operations Center at the Airport  
Subpoena Production Update

## REGIONAL OPERATIONS CENTER INVESTIGATING COMMITTEE

The Regional Operations Center Investigating Committee of the City-County Council met on Wednesday, April 7, 2014. Chair Joseph Simpson called the meeting to order at 5:41 p.m. with the following members present: Monroe Gray, Pamela Hickman, Benjamin Hunter, Angela Mansfield, Frank Mascari, Janice McHenry, Vop Osili, and Marilyn Pfisterer. Representing Council staff were General Counsel Fred Biesecker, Fiscal and Policy Analyst Ryan Kramer.

Chair Simpson stated that the purpose of the meeting is twofold. First, to hear a presentation from the City's former Emergency Medical Services (EMS) Director, Jim White, regarding the possibility of establishing an Emergency Operations Center at the old airport site. The committee will also hear a status update on document production requests related to the subpoena that was issued on March 10, 2014. Chair Simpson asked Mr. White to give a brief background of himself before beginning his presentation.

Mr. White stated that he is a retired member of the Indiana State Police; served 37 years in the United States Army National Guard, doing service in Iraq; worked as the Deputy Director of the Indiana Law Enforcement Academy for six years; and served twice as the Emergency Management Director for the City of Indianapolis. He added that he is currently a faculty member with the School of Public and Environmental Affairs at Indiana University Purdue University-Indianapolis (IUPUI). Mr. White read through his presentation (attached as Exhibit A), making the following key point: He gave the presentation to former Department of Public Safety (DPS) Director, Frank Straub, on February 5, 2010. The Emergency Operations Center (EOC) was located in the Metropolitan Emergency Communication Agency (MECA) building. The rent and utilities for EOC cost \$301,185 annually. The facility did not meet the Division of Homeland Security (DHS) standards; it was limited in size; the heating, ventilation, and air conditioning (HVAC) system was inoperable; and there was no covered parking for emergency management vehicles or the Special Weapons And Tactics (SWAT) team vehicles. Mr. White stated that he looked into various locations to house EOC, and was able to acquire facility with KITE Realty at the airport. The location was almost 22,000 square feet, of which EOC and the Operations Center (OPS) would occupy 4,112 square feet of space; the rent would have been \$9,400 per month for 15 months, and would later increase to \$19,530 per month for 105 months. The rent included utilities, and janitorial and trash services. The landlord would reconfigure and built out the facility to the necessary specifications, costing an estimate of \$1.87 million out of the \$2.3 million that was available through the Urban Area Security Initiative (UASI) funding. The location had three levels of security: Indianapolis Metropolitan Police Department (IMPD); airport security; and perimeter fencing, as well as surveillance cameras. Moving to the airport location would save EOC \$811,200 annually.

Fred Biesecker, General Counsel, showed a video clip of Mr. Straub's presentation during an Administration and Finance Committee meeting on April 26, 2011. In the clip, Mr. Straub explains his view of the feasibility for Mr. Whites proposal.

Chair Simpson asked Mr. White to share his views on Mr. Straub's remarks. Mr. White stated that the current airport EOC and the City of Indianapolis are in the flight path; however, you accept certain risks when you build things. The risk was worth the reward.

Councillor Mascari asked if EOC was locked into a long-term contract. Mr. White responded in the negative, stating that no paperwork had been signed. Councillor Mascari asked Mr. White if he thinks that the EOC was being handle inappropriately. Mr. White responded in the negative. He

stated that Alex Carroll asked him to look at the facility, but explained that he felt that they were close to moving to the airport facility. He stated that the current facility was in terrible condition with a leaking roof, an accumulation of trash in the basement, as well as other issues. There was not enough time to get that facility together before the Super Bowl came to the City.

Councillor Hickman asked why covered parking was needed. Mr. White stated that the emergency response vehicles needed to be in a covered area with electrical outlets to keep them warm, which helped make the response time faster and lengthen the life of the vehicle. Councillor Hickman asked if the ROC was moved to the airport facility, when would it have been ready for operation. Mr. White stated that it would have been ready in July of the same year.

Councillor Mansfield asked Mr. White if he was present during the final discussions of where the ROC would be located. Mr. White responded in the negative, as Mr. Straub released him from his position before the decision was made.

Councillor Pfisterer asked if the Airport Board was amenable to having the ROC at the airport. Mr. White stated that he did not speak with the Airport Board directly and was not sure if anyone else had. Councillor Pfisterer stated that, from her understanding, the airport had other plans for the property.

Councillor Mansfield asked the name of the landlord of the airport facility. Mr. White stated the facility belonged to Kite Realty. Councillor Mansfield asked if there would have been an issue with the City moving forward with the proposal to house the ROC in the facility. Mr. White responded in the negative.

Chair Simpson asked how close it was to having the lease signed when Mr. Straub arrived to DPS. Mr. White stated that the lease was not signed; however, he was at the point of furnishing the new facility.

Councillor Hunter asked Mr. Biesecker if he received a lease from the airport. Mr. Biesecker stated that he saw the proposed lease containing the terms of the agreement and was signed by Paul Kite.

Councillor Gray stated that it is good to at the the lease from the airport facility and the lease from the current location in order to compare the pros and cons of each, and the missteps that could have been prevented.

Chair Simpson asked if the airport lease came before the Administration and Finance Committee for consideration. Mr. Biesecker stated that the lease for the airport facility was not introduced.

Chair Simpson thanked Mr. White for his presentation. He then asked Mr. Biesecker to provide an update on the document production and any compliance with the March 10<sup>th</sup> subpoena.

Mr. Biesecker read through the list of documents that have been received (attached as Exhibit B). He stated that more documents have been received; however, there are still significant gaps in the production, such as receiving a limited number of project inspection reports from the City. The City produced emails to and from Mr. Straub for a period between April 12<sup>th</sup> and April 26<sup>th</sup> of 2011; however, the City has not produced the requested emails to and from Tom Micalack and John Maze. Lastly, the City says that it has been unable to locate any communications between Mr. Carroll and

the City for the period of March 18<sup>th</sup> through June 23<sup>rd</sup> of 2011. Mr. Biesecker stated that it has been five months since the original Document Request had been served, and it has been two weeks since the deadline to produce documents in response to the subpoena. Mr. Biesecker suggested that the committee recommend the full Council to adopt a resolution directing the Clerk of the Council to present the matter to the Marion Circuit Court, which is permitted by State Statute.

Councillor Gray asked if enough information has been submitted to begin discussions on the direction in which the committee is going. Mr. Biesecker stated that they are closer than they previously; however, a lot of documents are missing, so in order to avoid jumping to conclusions, it is best to proceed with the collection of the missing items.

Councillor Gray moved, seconded by Councillor Mascari, that the committee recommend that the full council adopt a resolution ordering the Clerk of the Council to immediately present to the Marion Circuit Court a written report of the facts relating to the administration's refusal to produce documents in compliance with the March 10, 2014 subpoena, and to seek a court order requiring production of the documents and all other proper relief. The motion carried by a vote of 6-3, with Councillors Hunter, McHenry and Pfisterer casting the negative votes.

Councillor Hunter asked to see the resolution, as it has to be introduced. Mr. Biesecker stated that the resolution will be introduced at the full Council meeting on April 14<sup>th</sup>. Councillor Hunter asked if the resolution will be deferred back to the ROC Committee. Mr. Biesecker stated that the Council will make that decision; however, he does not want to delay the process. He added that the resolution will state the motion provided by Councillor Gray, which is included in the Statute.

Councillor Mansfield stated that resolution will be introduced like other Council resolutions, and would be then presented on the agenda at the next Council meeting, which is when Councillors will review the actual verbiage stating what the resolution is.

Councillor Hunter asked under what category will the resolution be considered. Mr. Biesecker stated that the resolution will be as a Council resolution.

With no further business pending, and upon motion duly made, the Regional Operations Center Investigating Committee of the City-County Council was adjourned at 6:46 p.m.

Respectfully submitted,

Joseph Simpson, Chair  
ROC Investigating Committee

JS/slp